

JUN 14 2007

209 Providence Rd., Chapel Hill, NC 27514
Tel. 919-419-8582 Fax: 919-419-8583 or 919-989-7602*Wolff Law Offices, PLLC***Fax**

To: USPTO - Mail Stop Petitions **From:** Kevin Alan Wolff

Fax: 571-273-8300 **Pages:** 11 (including cover sheet)

Phone: 571-272-3600 **Date:** 6/14/2007

Re: Ser No. 10/6571,396 - Petition To **CC:**
Withdraw Holding Of Abandonment

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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• Comments:

Dear Office of Petitions:

Please find a Petition to Withdraw Holding of Abandonment and evidence supporting the Petition.

Sincerely,

Kevin Wolff

**RECEIVED
CENTRAL FAX CENTER****JUN 14 2007****WOLFF LAW OFFICES, PLLC - FILING RECORD**

Attorney Docket No.: HAM-PAUS0001
Today's Date: June 14, 2007
Attorney: Kevin A. Wolff
Fee Transmitted Herewith: \$0.00
Serial No.: 10/517,396
Filing Date: November 28, 2004
Title: METHOD AND APPARATUS FOR FORMING BORED HOLE
Inventors: Theodore Roy Dimitroff

VIA Facsimile**TRANSMISSION HEREOF ACKNOWLEDGES RECEIPT OF:****DOCUMENTS BEING FILED:**

- (1) Transmittal Form
- (2) Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action
- (3) Copies of 2 Executed Power of Attorney forms recently filed
- (4) Copy of PAIR Image File Wrapper Available Documents listing for US Patent Application No. 10/517,396 dated 6/7/2007 (2 pages)
- (5) Copy of PAIR information showing the United States Postal Service Return to Sender label and USPTO Received Stamp dated October 23, 2006

PTO/SB/21 (09-04)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM	Application Number	10/517,398	
	Filing Date	11/28/2004	
	First Named Inventor	Theodore Roy Dimitroff	
	Art Unit	3672	
	Examiner Name	Nicole A. Coy	
(to be used for all correspondence after initial filing)		Attorney Docket Number	HAM-PAUS0001
Total Number of Pages in This Submission		11	

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Filing Record
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2 Powers of Attorney Forms
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Copy of PAIR Image File Wrapper Available
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	Documents listing dated 6/7/07
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<div style="border: 1px solid black; padding: 2px;">Remarks</div>		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wolff Law Offices, PLLC, P.O. Box 9855, Chapel Hill, NC 27515-9855		
Signature	/Kevin Alan Wolff/ <i>[Signature]</i>		
Printed name	Kevin Alan Wolff		
Date	06/14/07	Reg. No.	42,233

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Signature	/Kevin Alan Wolff/ <i>[Signature]</i>		
Typed or printed name	Kevin Alan Wolff	Date	6/14/07

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Theodore Roy Dimitroff

Group Art Unit: 3672

Appln. No.: 10/517,396

Examiner: Nicole A. Coy

Filed: November 28, 2004

Confirmation No.: 5576

Title: METHOD AND DUAL REAMER
APPARATUS FOR FORMING BORED
HOLE

Attorney Dkt No.: HAM-PAUS0001

Date: June 14, 2007

* * * * *

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is respectfully submitted in reply to the Notice of Abandonment included in the Office Action mailed May 29, 2007. Withdrawal of this Notice of Abandonment is respectfully requested.

Unfortunately, the earlier issued Office Action mailing, date mailed October 12, 2006, was never received by attorney Kenneth R. Schaefer or the Applicant prior to the Notice of Abandonment, as evidenced by the USPTO Transaction History record as found in the Public PAIR system. Recently our firm was contacted to take over the prosecution of this patent

Further, Applicant submits herewith evidence from the USPTO records in Public PAIR that the Office Action dated mailed on October 12, 2006 was never received by the Attorney of record, Kenneth R. Schaefer, or the Applicant, and therefore neither the attorney of record nor the Applicant had notice of the pending Office Action dated mailed on October 12, 2006. Attached hereto is a printout of the Image File Wrapper Available Documents list from the USPTO Public Pair system for Patent Application Serial No. 10/517,396. According to the Available Documents list, the Non-Final Rejection Office Action mailed on October 12, 2006 was returned to the USPTO as undelivered to the USPTO Mail Room on October 23, 2006. The complete document was 13 pages. A viewing of the complete document received by the USPTO Mail Room on October 23, 2006 shows clearly that the Office Action dated mailed from the USPTO on October 12, 2006 was returned to the USPTO on October 23, 2006 for the reason that a Request to Forward Mail filed with the United States Postal Service by Mr. Schaefer had expired. As such, the United States Postal Service returned the Office Action to the USPTO on October 23, 2006. This is evidenced by the last page of the 13 page document scanned into the Image File Wrapper, a copy of which is attached hereto. As a result, no Response to the Office Action was ever prepared and sent to the USPTO because the Office Action was never delivered to the Attorney of record or the Applicant.

In a June 14, 2006 telephone conversation, the Examiner, Nicole Coy, confirmed that this information in the USPTO Image File Wrapper as provided in PAIR was correct and that the Office Action mail dated October 10, 2006 was received back by the USPTO on October 23, 2006, and never mailed again to the Attorney or Applicant before the Notice of Abandonment was mailed out by the USPTO on May 25, 2007.

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PTO/SB/01 (01-06)

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Application Number	10/517,396
Filing Date	11/28/2004
First Named Inventor	Theodore Roy Dimitroff
Title	Method and Apparatus for Forming ..
Art Unit	3672
Examiner Name	Nicola Coy
Attorney Docket Number	HAM-PAUS0001

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

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☐ Practitioner(s) named below:

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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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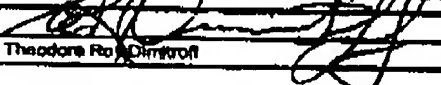
Email

I am the:

☒ Applicant/Inventor,☐ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	6-11-07
Name	Theodore Roy Dimitroff	Telephone	573-449-6186
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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Application Number	10/517,398
Filing Date	11/28/2004
First Named Inventor	Theodore Roy Dimitroff
Title	Method and Apparatus for Forming ..
Art Unit	2672
Examiner Name	Nicole Coy
Attorney Docket Number	HAM-PAUS0001

I hereby revoke all previous powers of attorney given in the above-identified application.

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I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/90)

SIGNATURE of Applicant or Assignee of Record

Signature	<i>Dr. Herbert Kunz</i>	Date	11.6.2007
Name	Dr Herbert Kunz	Telephone	+49 89 207 02 8300
Title and Company	Patent Attorney with Signatory Authority, for Lattice Intellectual Property Ltd		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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10/517,388

Method and apparatus for forming bored hole

PDF

Select New Cases	Application Data	Transactions History	Image File Wrapper	Continuity Data	Foreign Priority	Published Documents	Address & Attorney/Agent
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Page Count	Select All	Start Download	Clear All
06-29-2007	Abandonment	2	<input type="checkbox"/>	<input type="checkbox"/>	
10-23-2008	Mail returned to USPTO as undelivered	13	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	Search Information including classification, databases and other search related notes	2	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	Notice of Formal Drawings Required	1	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	Non-Final Rejection	9	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	List of references cited by examiner	1	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	Index of Claims	2	<input type="checkbox"/>	<input type="checkbox"/>	
10-12-2008	Bibliographic Data Sheet	1	<input type="checkbox"/>	<input type="checkbox"/>	
10-04-2008	Examiner's search strategy and results	2	<input type="checkbox"/>	<input type="checkbox"/>	
02-24-2006	Notice of DO/EO Acceptance Mailed	2	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Transmittal of New Application	3	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Specification	7	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Preliminary Amendment	1	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Oath or Declaration filed	3	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Miscellaneous Internal Document	1	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Fee Worksheet (PIO-06)	1	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Drawings	4	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Documents submitted with 371 Applications	19	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Documents submitted with 371 Applications	12	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Documents submitted with 371 Applications	4	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Documents submitted with 371 Applications	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11-29-2004	Claims	4	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Claims	6	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Certified Copy of Foreign Priority Application	19	<input type="checkbox"/>	<input type="checkbox"/>	
11-29-2004	Applicant Arguments/Remarks Made in an Amendment	1	<input type="checkbox"/>	<input type="checkbox"/>	

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11-29-2004	Abstract	1	<input type="checkbox"/>
11-28-2004	Miscellaneous Internal Document	1	<input type="checkbox"/>
11-28-2004	Fee Worksheet (PTO-06)	1	<input type="checkbox"/>
11-28-2004	Claims Worksheet (PTO-2022)	1	<input type="checkbox"/>

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